

July 22, 2003

REGULAR SESSION

7:00 P.M.

The Regular Session Meeting was called to order at 7:00 P.M. by Mayor Ferguson with Councilmembers Simillion, Stone, Smits and Duba present, along with City Manager Collins, City Clerk Davidson, Police Chief Keehne, Public Works Director Coleman, Community Development Director Hannon, Water Superintendent Eddy Balch, several members of the Youth City Council, several interested citizens and the press. City Attorney Landwehr was out of town.

PUBLIC HEARING

Mayor Ferguson opened the Public Hearing at 7:00 P.M. and explained the purpose of the hearing is to receive public input on Ordinance No. 8, Series 2003, an Ordinance for the regulation of traffic by the City of Gunnison, Colorado adopting by reference the 2003 edition of the “Model Traffic Code for Colorado”, repealing all ordinances in conflict therewith; and providing penalties for violation thereof, including amending or modifying certain sections with regards to the use of snowmobiles, skis, tobaggans, scooters, skates, and similar devices on City streets and highways; amending or modifying certain parking regulations and certain sections dealing with the towing and storage of abandoned vehicles.

The Mayor asked if there was proof of publication. City Clerk Davidson replied yes.

The Mayor called for the applicant’s testimony. Police Chief Keehne stated the City is requesting approval of Ordinance No. 8, Series 2003. The adoption of the Model Traffic Code provides for uniformity in traffic laws throughout the state and nation. The Ordinance includes amendments to address the use of roller skis, skateboards, and in-line skates, as well as providing for parking regulations and towing and storage of abandoned vehicles. Staff’s recommendation is to adopt Ordinance No. 8, Series 2003.

The Mayor called for public input. There was none.

Mayor Ferguson closed the Public Hearing at 7:04 P.M.

PUBLIC HEARING

Mayor Ferguson opened the Public Hearing at 7:04 P.M. and explained the purpose of the hearing is to receive public input on Ordinance No. 11, Series 2003, an Ordinance of the City Council of the City of Gunnison amending Chapter 12, Utilities, Article 1, Sewer System, and Article 2, Water Works System, of the City Code of the City of Gunnison, regarding the connection of buildings to the sewer and water mains. These code amendments are in response to a request made by Mr. Pete Glatiotis.

The Mayor asked if there was proof of publication. The City Clerk stated yes.

The Mayor called for the applicant’s testimony. Attorney Nancy Essex, who is representing the applicants, Mr. & Mrs. Glatiotis, stated they have presented their input in past meetings and have no further input. Mayor Ferguson thanked Ms. Essex.

The Mayor called for City Staff presentation. Public Works Director Coleman came forward and stated Staff’s recommendation is to pass the ordinance for the amendments to the water and sewer codes. The Mayor thanked Director Coleman.

The Mayor called for public input or testimony. There was none.

Mayor Ferguson closed the Public Hearing at 7:06 P.M.

Mayor Ferguson made an adjustment to the Regular Session agenda. He requested moving Item A. under New Business, to after action on the Ordinance and Resolutions. Council agreed to the move.

Consideration of Minutes:

Regular Session Minutes of July 8, 2003

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Councilmember Simillion moved and Councilmember Duba seconded the motion to approve the Regular Session Minutes of July 8, 2003, as submitted.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

2003-2004 Youth City Council Members. City Clerk Davidson asked the Youth City Councilmembers present to introduce themselves. Seven of the eleven prospective members were present. The City Clerk informed Council these young people had submitted applications of interest to serve on the 2003-2004 Youth City Council. She received applications or letters of interest from 15 students. It was a difficult decision.

Councilmember Stone moved and Councilmember Simillion seconded the motion to appoint the slate of 11 members, as recommended by the City Clerk, in the memo dated July 16, 2003, as the 2003-2004 Youth City Council.

Councilmember Stone thanked the students for volunteering to serve on the Youth Council. He stated the Youth Council serves an important roll in giving input to Council, not only on issues concerning youth, but on any issue of interest to the students.

Mayor Ferguson informed the students through Youth City Council they can learn to be good citizens for the future. This experience will help them do good things in the community and is a useful exercise in citizenship.

Councilmember Duba also thanked the students for their willingness to serve.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Unfinished Business: None.

Ordinance and Resolutions:

Ordinance No. 8, Series 2003; Re: Adoption by Reference of the "Model Traffic Code for Colorado", 2003 Edition, 2nd Reading.

Councilmember Stone introduced Ordinance No. 8, Series 2003, and it was read by title only by the Mayor.

Councilmember Stone moved and Councilmember Simillion seconded the motion that Ordinance No. 8, Series 2003, **AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF GUNNISON, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF,** be introduced, read, passed and adopted on second reading this 22nd day of July, 2003.

Roll call vote, yes: Ferguson Smits, Duba, Simillion, Stone, So carried.

Roll call vote, no: None.

Ordinance No. 10, Series 2003, Re: Net Metering Policy Regarding Photovoltaic and Wind Generation Electric Systems; 2nd Reading

Councilmember Duba recused himself due to a potential conflict of interest.

Councilmember Stone introduced Ordinance No. 10, Series 2003, and it was read by title only by the Mayor.

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Councilmember Stone moved and Councilmember Simillion seconded the motion that Ordinance No. 10, Series 2003, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON ADOPTING A PILOT PROGRAM FOR RESIDENTIAL ELECTRIC CUSTOMERS WHO INSTALL PHOTOVOLTAIC OR WIND SYSTEMS, AND ESTABLISHING A RATE FOR THE ELECTRICAL ENERGY CONSUMED BY SUCH CUSTOMERS**, be introduced, read, passed and adopted on second reading this 22nd day of July, 2003.

Roll call vote, yes: Smits, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

Councilmember Duba returned to the meeting.

Ordinance No. 11, Series 2003, Re: Sewer & Water Utility Code Changes, 2nd Reading

Councilmember Simillion introduced Ordinance No. 11, Series 203, and it was read by title only by the Mayor.

Councilmember Simillion moved and Councilmember Duba seconded the motion that **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING CHAPTER 12, UTILITIES, ARTICLE 1, SEWER SYSTEM, AND ARTICLE 2, WATER WORKS SYSTEM, OF THE CITY CODE OF THE CITY OF GUNNISON, REGARDING THE CONNECTION OF BUILDINGS TO THE SEWER AND WATER MAINS**, be introduced, read, passed, and adopted on second reading this 22nd day of July, 2003.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

New Business:

Recommendation from Planning & Zoning Commission, Re: PD-03-1, Rainbow Meadows Estates Townhomes Minor PUD Subdivision.

Community Development Director Hannon came forward and stated PD-03-1 had been approved two months ago by the Planning & Zoning Commission. On May 14, 2003, the Planning Commission held a public hearing on PD-03-1 and approved, with Findings of Fact and conditions, the preliminary plat as submitted by Mr. Pete Glatiotis. The Findings of Fact included: 1. The utility lines have been provided for an increased size which will allow for development, and easements will be provided for all utility lines; 2. Wetland areas will not be disturbed; 3. All landscaping will comply with City Code; and 4. The process will allow the prospective buyers to obtain financing. Another condition was: A new improvements plan be submitted and approved by Public Works, depicting separate water and sewer service lines connected to the City's water and sewer mains for each proposed lot. The new Code language, approved this evening in Ordinance No. 11, Series 2003, makes the existing utility plan acceptable to the City. The Army Corp of Engineers has signed off on the new wetlands delineation. The title insurance and treasurer's certificate are on file and can be inspected. Therefore, all conditions stipulated by the Planning Commission have been met. The City is therefore recommending approval.

Councilmember Duba moved and Councilmember Simillion seconded the motion to approve PD-03-1, Rainbow Meadows Estates Townhomes Minor PUD Subdivision. Councilmember Stone recommended the motion be amended to include the Findings of Fact as outlined in the Planning and Zoning Commission recommendation. The first and second agreed to the amendment. The vote is on amending the motion.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

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City Attorney: Out of town.

City Manager Collins: Informed Council Acting City Attorney Hart is out of town as well. The Sunbelt power transformer has been delivered on site and is being installed this week. It may be energized on Friday and then tested without load. It looks like we now have a full repair to that transformer. We also received a three year warranty on the transformer. The President of Sunbelt is on-site for the installation.

City Clerk Davidson: informed Council about the plans for CityFest. It will be Thursday, August 31, from 11:00 AM to 1:00 PM at Jorgensen Park. Council is welcome to attend.

Councilmember Simillion: asked if the Sunbelt Transformer people will be here all week. City Manager Collins stated no, just through Thursday. The City Manager thanked Steve Bailey and his company for all of their work on behalf of the City.

Councilmember Smits reminded Council that they still needed to vote on the **motion to approve PD-03-1**. They had only voted on the amendment to the motion.

Councilmember Duba moved and Councilmember Simillion seconded the motion to approve PD-03-1, Rainbow Meadows Estates Townhomes Minor PUD Subdivision with the Findings of Fact as listed in the Planning and Zoning Commission recommendation.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Acting City Manager: Police Chief Jim Keehne Departmental Report. Chief Keehne informed Council his report is in their packets and then reviewed the highlights of the report. In the current Police Officer search, the out of state applicant has withdrawn. The Department will start the hiring process all over again. The Citizens Police Academy will begin September 3rd. It is a 10 week program and citizens are asked to commit 3 hours per week for the 10 weeks. They will start with eight people. Again, this is an opportunity to educate the public on the philosophy of the PD and it is open to the community at large. The Department is hoping to do a youth citizen academy as well.

Councilmember Smits asked about the status of SafeRide. Chief Keehne stated the funding is down. This is in part due to some alcohol-related offenders now have the option, at the County Court level, to direct where their fines should go. There is a push in the community for donations. They are running two vans now instead of one. Mayor Ferguson responded it is a tremendous pro-active program.

Councilmember Duba asked if drug use is down. Chief Keehne state the word on the streets is no.

City Clerk Davidson: Informed Council since next Tuesday, July 29, is the 5th Tuesday, and both Mayor Ferguson and Councilmember Smits will be out of town, there will be no Council Work Session, unless the other Councilmembers have something to bring forward at that time. Council will not meet next Tuesday. The City Clerk reminded Council their next meeting will be the Special Session on Tuesday, August 5, at 12 Noon.

Non-Scheduled Citizens: None.

General Discussion/Items for Work Sessions:

Mayor Ferguson: Report on Regional Transportation Authority Meeting. Mayor Ferguson attended the meeting and reported the Authority has locked in some of the airline schedules for the winter season. They will continue to negotiate the others. There are more seats, and more reservations available. The RTA will continue to monitor and pursue airline availability with great vigor. It is working well for the community.

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Councilmember Duba: Report on CCRA (Main Street Program) Assessment Meeting. Councilmember Duba attended the noon meeting and met with the delegation of four representatives from the State CCRA program. The CCRA group wanted to see if the Gunnison program is consistent with the application. They were very complimentary and in favor of the local group. They were very favorable with the County being on board as well as the City. We have a good foundation, good business participation and a downtown with historical continuity. Community Development Director Hannon informed Council the Main Street Program is in the process of identifying what the downtown issues are. Some issues include keeping office and business workers downtown for shopping, dining, etc., and getting local shoppers to shop downtown. The Main Street group is passing around a survey about what business owners see for the downtown in the future.

Councilmember Simillion: Nothing to report.

Councilmember Smits: There will be a public input meeting tomorrow night at Webster Hall on the site selection process. The public is encouraged to attend. Councilmember Smits also invited citizens to attend CityFest. Unfortunately, he will be out of town.

Mayor Pro Tem Stone: Asked City Manager Collins to draft a letter from Council to the County Commissioners addressing inclusion of funding in the 2005 and 2006 County budgets for the Community Center. The City acknowledges they have a demanding project on their budget, the airport project, but the City wants their participation in 2005 and 2006. Mayor Pro Tem Stone felt it is best to memorialize the City/County conversations of this morning's joint meeting.

Mayor Pro Tem Stone moved and Councilmember Smits seconded the motion to direct the City Manager to draft a letter, for Council's signatures, to the Gunnison County Commissioners asking for funding in the 2005 and 2006 County Budgets for the Community Center.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Councilmember Smits asked the Youth City Councilmembers to participate in the Community Center site selection process. He also thanked the Fleet Department for the use of the street sweeper in the Cattlemen's Days Parade. It was a lot of fun.

Adjournment: The meeting adjourned at 8:51 P.M.

Mayor

City Clerk